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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 BARBARA JEANNE ALTEMEIER,

12 Plaintiff,

13 v.

14 DALLAS COUNTY, TEXAS, et al.,

15 Defendants.
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NO. SACV 10-1692-JVS (AGR)

ORDER TO SHOW CAUSE

18 On November 4, 2010, Plaintiff filed a complaint. For the reasons
19 discussed below, the Court orders Plaintiff to show cause, on or before
20 ***December 8, 2010***, why this Court should not recommend dismissal of the
21 complaint based on improper venue.

22 I.

23 **THE COMPLAINT**

24 Plaintiff names the following defendants: Dallas County, Texas; City of
25 Dallas, Texas; Muskegon County, Michigan; Fruitport Township, Michigan; James
26 Schultz, a resident of Muskegon County; Tony Tague, a resident of Muskegon
27 County; Dale J. Hilson, a resident of Muskegon County; Louis Canales, a resident
28 of Dallas County; Ronald M. Hubner, a resident of Dallas County; Daniel Downs,

1 a resident of Dallas County; Ronald Anderson, a resident of Dallas County; Lupe
2 Valdez, a resident of Dallas County; and Parkland Health & Hospital System
3 Auxiliary, located in Dallas. (Complaint at 2-4.)

4 The following is a summary of Plaintiff's allegations. On October 17, 2006,
5 Plaintiff was arrested in Dallas without a warrant and was incarcerated until
6 January 2, 2007. (*Id.* at 5.) On November 10, 2008, the charges against Plaintiff
7 were dismissed. (*Id.*) Plaintiff, who suffers from "an autonomic nervous system
8 dysfunction and sensitivities to various petrochemicals," and who requires
9 prescription bottled water and prescription organic food, was exposed to
10 chemicals and denied prescription bottled water and organic food while
11 incarcerated. (*Id.* at 4-12.)

12 On December 20, 2006, Plaintiff signed extradition papers to permit
13 Michigan to extradite her to face charges in that state. (*Id.* at 13.) After Plaintiff's
14 release from jail in Dallas, she "went into hiding for about twenty-three (23)
15 months." (*Id.* at 14-15.) As of September 2008, the "false charges" filed in
16 Michigan had still not "been dropped." (*Id.* at 16.)

17 Plaintiff alleges 38 causes of action against Defendants related to the
18 events described above. (*Id.* at 22-32.)

19 II.

20 VENUE

21 "A civil action wherein jurisdiction is not founded solely on diversity of
22 citizenship may, except as otherwise provided by law, be brought only in (1) a
23 judicial district where any defendant resides, if all defendants reside in the same
24 State, (2) a judicial district in which a substantial part of the events or omissions
25 giving rise to the claim occurred, or a substantial part of property that is the
26 subject of the action is situated, or (3) a judicial district in which any defendant
27 may be found, if there is no district in which the action may otherwise be brought."
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1 28 U.S.C. § 1391(b); see *Costlow v. Weeks*, 790 F.2d 1486 (9th Cir. 1986)
2 (applying § 1391(b) to § 1983 claim).

3 All defendants in this action reside in Michigan or Texas. All of the events
4 or omissions giving rise to Plaintiff's claims occurred in Michigan or Texas.¹

5 Accordingly, Plaintiff must explain why this action should not be dismissed.
6 See *Costlow*, 790 F.2d at 1488 ("the district court ha[s] the authority to raise the
7 issue of defective venue on its own motion"); see 28 U.S.C. § 1406(a) ("The
8 district court of a district in which is filed a case laying venue in the wrong . . .
9 district, shall dismiss, or if it be in the interest of justice, transfer such case to any
10 district . . . in which it could have been brought.").

11 **III.**

12 **ORDER TO SHOW CAUSE**

13 IT IS THEREFORE ORDERED that, on or before **December 8, 2010**,
14 Plaintiff shall show cause, if there be any, why this Court should not dismiss the
15 action without prejudice. See *Offshore Sportswear, Inc. v. Vuarnet Int'l, B.V.*, 114
16 F.3d 848, 851 (9th Cir. 1997) ("dismissal is without prejudice to refiling in the
17 proper venue").

18 ***Plaintiff is also advised that if she fails to timely respond to this Order***
19 ***to Show Cause, the Court will recommend dismissal of the action without***
20 ***prejudice.***

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23 DATED: November 8, 2010



ALICIA G. ROSENBERG
United States Magistrate Judge

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27 ¹ Dallas County is in the United States District Court, Northern District of
28 Texas. See <http://www.txnd.uscourts.gov/filing/countydiv.html>. Muskegon
County is in the United States District Court, Western District of Michigan. See
http://www.miwd.uscourts.gov/GENERAL/general_info_faqs.htm.